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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/938,163

Filing Date: August 23, 2001

Appellant(s): MEIRESONNE, MICHAEL

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Todd A. Van Thomme  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 04/30/2009 appealing from the Office action mailed 10/01/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

2002/0194151                    Fenton                    12-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***DETAILED ACTION***

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-17, 22-34, 36-46, and 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151).

Regarding claims 1 and 11, Rebane discloses a method to identify a supplier of goods or services over the Internet comprising:

accessing a home page/index page (“infomediary website”, Fig. 17) having at least one link (PDAs link) to a directory Web site (Fig. 18) for a class of goods or services (pdas and pdas suppliers) having a directory Web site address (Fig. 18) wherein a portion of the directory web site address describes the class of goods or services is integrated part of the display by Rebane, although Fig. 18 does not show the directory Web site address because it's not an actual website which you can browse, however one having ordinary in the art would have been recognized that a portion of the directory web site address describing the PDAs would be shown on the directory address (for reference, example can be see at the link,

[http://www.bitzate.com/pda\\_handheldcomputer/palmone-tungsten-e2-pd-pid304600136/compareprices.html](http://www.bitzate.com/pda_handheldcomputer/palmone-tungsten-e2-pd-pid304600136/compareprices.html)<sup>1</sup>);

selecting a class of goods or services having a link to a selected directory Web site corresponding to the selected class of goods or services (See Fig. 17, when user click on PDAs link);

activating the link to a selected directory Web site corresponding to the selected class of goods or services, wherein a portion of the directory Web site address of the selected directory Web site defines the selected class of goods or services (See Fig. 18, the page show ups after user clicks on PDAs link, wherein although Fig. 18 does not show the directory Web site address, it is clearly teach that a portion of the directory web site address describes the class of goods or services as addressed above; and

wherein receiving a display (Fig. 18) of the selected directory Web site, wherein the selected directory Web site contains at least one supplier link (for example, ecost.com) to a corresponding supplier's Web site wherein the corresponding supplier offers the goods or service of the selected class of goods or services ((See page 32, line 57 to page 33, line 67).

Rebane further discloses activate the supplier link thereby launching a first supplier internet browser window and displaying the supplier's Web site or supplier information in the supplier internet browser window (See Fig. 20) and wherein the directory Web site remains

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<sup>1</sup> The Examiner attaches herein with the Office action an example from bitzate.com and the web site address is taken directly from there.

displayed in a separate window<sup>2</sup> and wherein the supplier offers goods or services of the class of goods or services (See Fig. 20 and corresponding text) as per claim 11.

Rebane teaches information about the merchant could also be display or access through associated hyperlinks (See col. 32, lines 17-25); however, Rebane does not explicitly teach a rollover window wherein the rollover window conveys information about a supplier corresponding to the supplier link. On the other hand, Fenton teach a rollover window (See [0109], Fenton et al.). Because Fenton system use to index websites' content, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate a rollover window into the website of Rebane as suggested by Fenton. Fenton teaches rollover display box 838 describing the content item or provide other information to the user about the content item when the user rolls over the content item (See [0109], lines 4-7, Fenton et al.). Although the rollover display box 838 describes information related to multi-media, one having ordinary skill in the art would have recognized that written description in rollover display box can be a description of the supplier's goods or services; therefore, incorporating the rollover display box into the system of Rebane to display information about the supplier's goods or services, thus is well known and intended use. The motivation would have been providing useful information about suppliers to user so that user can decide whether to make further move.

Regarding claims 2, 3 and 14, Rebane/Fenton discloses the directory Web site further comprises a first paragraph of text comprising a description of the selected of class of goods or

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<sup>2</sup> The Examiner attaches herein with the Office action an example from bitzate.com, wherein

services (“Home>Computer Harward&Software>PDAs”, Fig. 18, Rebane) and wherein the selected directory Web site further comprises a descriptive title portion substantially corresponding to the description of the selected class of goods or services described by the directory Web site address (Top BizRater PDA, Fig. 18, Rebane). Rebane/Fenton does not teachs the directory Website address includes a domain name portion wherein the domain name portion of the selected directory Web site defines the selected class of goods or services.

However, the difference is only found in the nonfunctional descriptive material and do not alter how the website creating function (i.e., one having ordinary skill in the art would recognized that one can choose a domain name as desired and this nothing to do with how the website is managed). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to choose a domain name that providing the most beneficial information to the users because choosing the domain name as desired does not alter how the web page is managed and does not patentably distinguish the claimed invention in term of functionality.

Regarding claims 4 and 6, Rebane/Fenton discloses wherein the rollover window does not obscure other content on the directory website (The rollover box of Fenton at Figure 6, reference 636 is displayed when a user rolls over with the mouse cursor one of the listed content items, thus the rollover window/box of Fenton does not obscure other content on the website

because it's a floating window and would disappear when move the mouse away) and pre-selecting a supplier link thereby causing the rollover window to display information corresponding to a user selected supplier link as addressed above.

Regarding claims 5, 16, and 17, Rebane/Fenton discloses information about the merchant (supplier) could also be display or access through associated hyperlinks (See col. 32, lines 17-25), however, Rebane/Fenton is silent as to the selected directory Web site further comprises a supplier descriptive portion corresponding to the supplier located adjacent the corresponding supplier link. However, the difference are only found in the nonfunctional descriptive material and do not alter how the website creating function (i.e., one having ordinary skill in the art would recognized that one can build a web site with much information as one's desires). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a supplier descriptive portion corresponding to the supplier located adjacent the corresponding supplier link because adding additional information such as supplier descriptive portion to a web page does not alter how the web page creating functions and because the subjective interpretation of the additional information such as supplier descriptive portion does not patentably distinguish the claimed invention.

Regarding claim 15, Rebane/Fenton discloses wherein the directory Web site further comprises a link to the home page (home, Fig. 18).

Regarding claim 8, Rebane/Fenton discloses activating the supplier link for a supplier of a class of goods or services thereby launching a separate internet browser window and display the supplier Web site corresponding to the activated supplier link in the separate internet browser window (See Fig. 20)<sup>3</sup>;

Regarding claims 9-10, Rebane/Fenton discloses wherein the rollover window does not obscure other content on the directory website (The rollover box of Fenton at Figure 6, reference 636 is displayed when a user rolls over with the mouse cursor one of the listed content items, thus the rollover window/box of Fenton does not obscure other content on the website because it's a floating window and would disappear when move the mouse away) conveys information visually/audibly to the user and utilizes a script (See [0039], [0090], Fenton et al.) and further discloses the rollover window is positioned proximate the at least one supplier link; the rollover window displays information about a pre-selected supplier when a user pre-selects a supplier link; and the rollover window displays information about a second pre-selected supplier when a user pre-selects a second supplier link as addressed above.

Regarding claim 12, Rebane/Fenton discloses selecting a subsequent user determined supplier link for a subsequent supplier of goods or services; and activating the subsequent user determined supplier link to the corresponding user selected subsequent supplier Web site thereby launching a second supplier Internet browser window and displaying the subsequent supplier Web site in the second supplier internet browser window (See Fig. 20, Rebane).

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<sup>3</sup> The Examiner attaches herein with the Office action an example from bitzate.com, wherein

Regarding claim 22, this claim contains all the claimed subject matter as set forth above in claims 1, 3, and 5, thus rejected as the same.

Regarding claim 23, Rebane/Fenton discloses wherein the rollover window utilizes a script (See [0039], [0090], Fenton et al.).

Regarding claims 24-25, 36-37 and 48, these claims contain all the claimed subject matter as set forth above in claims 1, 3, and 6, thus rejected as the same.

Regarding claims 26-27, and 38-39, Rebane/Fenton discloses wherein the directory web site comprises a first set of supplier links and a second set of supplier links (See Fig. 20, Rebane).

Regarding claims 28-29, and 40-41, Rebane/Fenton discloses wherein at least a portion of the first rollover window is visible when at least a portion of the first set of supplier links is visible (See [0090], Fenton et al.).

Regarding claims 30, 33-34, 42, and 45-46, Rebane/Fenton discloses wherein the directory Web site comprises a second rollover window (See [0090], [0109], Fenton et al.).

Regarding claims 31-32 and 43-44, Rebane/Fenton discloses a plurality of directory Web sites (See Fig. 18, Rebane), wherein each directory Web site contains at least one link to at least other directory Web site (See Fig. 18 and 20, Rebane).

Regarding claims 49-53, these claims contain all the claimed subject matter as set forth above in claims 19, and further discloses access a convention search engine; input a search strategy into the conventional search engine to search for a supplier of a user determined good or service; view ranked result links as analyzed by the conventional search engine's algorithm and displayed by the conventional search engine; and activate a ranked result link corresponding to the directory web site corresponding to the user inputted search strategy thereby allowing the user to access the directory web site corresponding to the user inputted search strategy. Please see col. 31, line 62 to col. 32, line 12, Rebane.

Regarding claim 54, Rebane/Fenton discloses wherein the directory Web site further comprises a related directory Web site link to another one of the plurality of directory Web sites (See Figs. 18 and 20, Rebane et al.).

Claims 7, 18-21, 35, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (US 6,662,192), in view of Fenton (US 2002/0194151), and further in view of Perkes (US 2002/0194601).

Regarding claims 7, 18, 35, and 47, Rebane/Fenton discloses all the claimed subject matter as set forth above, however Rebane/Fenton is silent as to wherein the directory Web site comprises at least one substantially descriptive metatag. On the other hand, Perkes teach descriptive metatag (See [0042], Perkes et al.). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include descriptive metatag into the directory Web site of Rebane/Fenton. The motivation would have been to cover all possible related searches and increase the ranking archived as suggested by Perkes.

Regarding claims 19-20, this claim contains all the claimed subject matter as set forth above thus rejected as the same.

#### **(10) Response to Argument**

##### **Response to Appellant's argument A on the 103(a) Rejection as being unpatentable over Rebane (US 6,662,192) in view of Fenton (US 2002/0194151).**

Appellant argues (Appeal Brief, Page 22, lines 24-26) that “the Examiner admits that the references do not disclose an actual Web site in Figure 18 of the ‘192 reference. In doing so, the Examiner also admits that the Figure and therefore the reference itself does not show a directory Web site address at all”. The Examiner respectfully disagrees. Figure 18 is an illustration of a directory Web site. One having ordinary skill in the art would have been recognized that the actual address is buried on top the page. In essence, it would be display as a whole page without the need to denote separation display area. Thus, Figure 18 discloses a directory website address without denote separately.

Appellant further argue (page 23, lines 1-2), “the Examiner relies on the current BizRate.com Website address, which obviously is not prior art”. The Examiner respectfully disagrees. The Examiner use it as an extra reference for Applicant to review but not using it as a prior art because the Rebane prior art, Figure 18, itself teaches the claimed limitation. The same logic holds for claim 11. The Examiner use example from bitzate.com for reference only relating to the feature of separate window but not use it as prior art since Figure 20 of Rebane shows separate browser window.

**Response to Appellant’s argument B (Claim 2 and 3):**

Appellant argues (Appeal Brief, Page 24), “the domain name does alter how the Web site is managed and its functionality”. The Examiner respectfully disagrees. One having ordinary skill in the art would have recognized that one know how to create a web site can choose and request a domain name as desired. The difference is only found in the nonfunctional descriptive material and do not alter the website creating function.

**Response to Appellant’s argument C (Claims 4, 6 and 9):**

Appellant argues that Fenton does not disclose a rollover that does not obscure other content or the Webpage. The Examiner respectfully disagrees. Fenton’s rollover box is the same as the Applicant’s rollover window (Applicant’s specification page 7, lines 15-20). The rollover box of Fenton at Figure 6, reference 636 is displayed when a user rolls over with the mouse cursor one of the listed content items, one having ordinary skill in the art would have been recognized that rollover window is a floating window and would disappear when the mouse

being moved away thus the rollover window/box of Fenton does not obscure other content on the website.

**Response to Appellant's argument D (Claim 10):**

Appellant argues that Fenton does not disclose a rollover that does not obscure other content or the Webpage. The Examiner respectfully disagrees. Fenton's rollover box is the same as the Applicant's rollover window (Applicant's specification page 7, lines 15-20). The rollover box of Fenton at Figure 6, reference 636 is displayed when a user rolls over with the mouse cursor one of the listed content items, one having ordinary skill in the art would have been recognized that rollover window is a floating window and would disappear when the mouse being moved away thus the rollover window/box of Fenton does not obscure other content on the website.

Appellant further argues that Fenton does not disclose the information about at least two different suppliers in the rollover window when user pre-select links. The Examiner respectfully disagrees. Paragraph [0109] of Fenton teaches "when a user rolls over (for example, with the mouse cursor) **one of the listed content items**, the user may be presented with rollover box...The rollover display box...describe the content item when the user rolls over the content item" (**Emphasis added**). Thus, one having ordinary skill in the art would have recognized that the rolls over box would display another description about other content item when user rolls over another one of the listed content items. This feature of Fenton is obviously combinable with Rebane to display different suppliers.

**Response to Appellant's argument E (Claim 8):**

Appellant argues that Figure 20 does not launching a separate browser window. The Examiner respectfully disagrees. Figure 20 clearly show separate browser window as eCOST.com shows different domain thus different browser window.

**Response to Appellant's argument F (Claim 14):**

Appellant argues that Rebane does not disclose a descriptive title portion substantially corresponding to the description of the selection class of goods or services. The Examiner respectfully disagrees. The description tile portion “Top BizRater PDA” of Figure 18 of Rebane teaches this limitation.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respective submitted,

/M. P. N./

Examiner, Art Unit 2163

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